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IT IS SO ORDERED.




Guy R. Humphrey
United States Bankruptcy Judge

Dated: May 25, 2012

B10-01527

FDE\aws

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT
WESTERN DIVISION - DAYTON**

IN RE:)	CHAPTER 11
)	
JEFFREY A. FAULKNER)	CASE NO. 10-33397
)	
Debtor)	JUDGE GUY R. HUMPHREY
)	
)	PROPERTY ADDRESS:
)	** 5275 Pearl Lane
)	Franklin, Ohio 45005
)	

**STIPULATED ORDER GRANTING CONDITIONAL RELIEF FROM STAY TO
FEDERAL NATIONAL MORTGAGE ASSOCIATION., ITS SUCCESSORS AND
ASSIGNS**

(Re: Motion for Relief from Stay-Doc #423)

This matter came on for consideration before this Court upon the Motion for Relief from Stay (Document #423, filed with this court on March 21, 2012), which was scheduled for hearing on April 18, 2012, filed on behalf of FEDERAL NATIONAL MORTGAGE ASSOCIATION.,

its successors and assigns, hereinafter referred to as “FNMA”, a creditor holding a secured claim on real property owned by the Debtor herein, Jeffrey A. Faulkner, said property being commonly known as 5275 Pearl Lane Franklin, Ohio 45005, as more fully described in Exhibit “A” as attached hereto and made a part hereof.

The parties have now entered into an agreement in settlement of the Motion to Remove Stay as more fully set forth herein.

It is, therefore, the Order of this Court that the Debtor shall recommence post-petition payments directly to FNMA beginning with the May 1, 2012 payment, and said payments shall be sent to the following address:

Seterus, Inc., as Servicer for Fannie Mae
P.O. Box 4128
Beaverton, OR 97076-4128

It is further the Order of this Court that the Debtor shall immediately tender the sum of \$1,127.36, which sum shall be applied to the post-petition arrearages, late charges, costs and fees which have accrued up to and including April, 2012. These arrearages consist of the September, 2011 through April, 2012 post-petition payments in the amount of \$134.21 each, late charges from September, 2011 through April, 2012 in the amount of \$6.71 each. Failure by the Debtor to tender this sum within thirty (30) days of the entry of this order shall constitute a default.

It is further the Order of this Court that leave is granted FNMA to file a Supplemental Proof of Claim for the cost and fees incurred in these proceedings in the amount of \$826.00.

It is further the Order of this Court that FNMA may immediately recommence and thereafter continue to send statements for the account associated with the property referenced herein to Debtor at the following address or such other address as Debtor may designate to FNMA in writing:

Jeffrey A. Faulkner
7733 Pleasant Village Road
Camden, Ohio 45311

It is further the Order of this Court that in the event the Debtor fails to pay future post-petition payments or the additional payments which results in a delinquency of thirty (30) days or longer, the Debtor and their counsel shall be served with a 10-day notice of default indicating FNMA's intent to file an affidavit and proposed order granting relief from stay.

If the default is not cured within that 10-day period, then the automatic stay which is now barring any proceedings in foreclosure against the Debtor shall automatically be lifted, upon the creditor, or its servicing agent serving an Affidavit of Default to this Court, and without further hearing, this Court will enter an Order granting final relief from stay.

IT IS SO ORDERED.

SUBMITTED BY:

APPROVED BY:

/s/ Faye D. English
REIMER, ARNOVITZ, CHERNEK &
JEFFREY CO., L.P.A.
Faye D. English #0075557
Edward A. Bailey #0068073
P.O. Box 968
Twinsburg, Ohio 44087
Phone No. 330-425-4201
Fax No. 330-425-2155
fenglish@reimerlaw.com

/s/ Michael Keefe
Michael Keefe
#0086645
One Dayton Center, Suite 900
1 South Main Street
Dayton, OH 45402
Phone No. 937-222-1090
Fax No. 937-222-1046
mkeefe@statmanharris.com
Attorney for Debtor

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The legal description for the property located at:

5275 Pearl Drive, Franklin, OH 45005

91-34-202-038

Is as follows:

Situate in the Township of Franklin, County of Warren and State of Ohio and being a part of the premises in Section 34, Town 2, Range 5 East, conveyed to John K. Wolfe and Pearl Marie Wolfe, by deed dated April 13, 1950 and recorded in Volume 193, Page 471, Warren County Deed Records and more particularly described as follows: Beginning at an iron pin in the westerly line of the tract from which the foregoing tract was taken and 156.83 feet northward from the southwest corner thereof; thence South 64 degrees 30 minutes East and parallel with the north line of said tract, a distance of 90 feet to the place of beginning at which is set a corner post; thence continuing along said line which is parallel to the north line of said original tract South 64 degrees, 30 minutes East, a distance of 100 feet to a point approximately 149.54 feet west of the center line of the River Road; thence North 35 degrees 08 minutes East and parallel with the center line of said River Road, 63.95 feet to a point; thence North 64 degrees 30 minutes West and parallel with the north line of original tract, a distance of 100 feet to a point; thence South 35 degrees 08 minutes West and parallel with said east line, a distance of 63.95 feet to the place of beginning. 0.15 Ac

ALSO the following described real estate, to-wit: Situate in the Township of Franklin, County of Warren and State of Ohio, in Section 34, Town 2, Range 5 East and being a part of the premises conveyed to John K. Wolfe and Pearl Marie Wolfe, by deed dated April 13, 1950 and recorded in Volume 193, Page 471, Warren County Deed Records and more particularly described as follows: Beginning at an iron pin in the westerly line of the tract from which the foregoing tract was taken and 156.83 feet northward from the southwest corner thereof; thence South 64 degrees 30 minutes East and parallel with the north line of said tract a distance of 90 feet to a point; thence North 35 degrees 08 minutes East 63.95 feet to a point; thence North 64 degrees 30 minutes West and parallel with the north line of the original tract 100.49 feet to a point in the westerly line of the tract from which the foregoing tract was taken thence South 25 degrees 30 minutes West 63.1 feet to the point and place of beginning. 6.264 Ac

Together with an easement for ingress and egress and all other purposes for which streets are ordinarily used over a strip of land 15 feet wide lying adjacent on the north to the north line of the above described real estate and running from the rear or west line of said real estate eastwardly to the Dayton-Oxford Road.

PT 01-34-202-022 (Easement Only)

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SAVE AND EXCEPT:

Being a 0.0168 acre parcel situated in Section 34, Town 2 North, Range 5 East, Franklin Township, Warren County, Ohio and being in the he easterly part of a tract of land as described in Deed Book 242, Page 182 Warren County Deed Records; said parcel being bounded and described as follows: Beginning at the northeasterly corner of the aforesaid tract, said point being found by measuring from the point of intersection of the northerly line of Section 34 with the centerline of Dayton Oxford Road (County Road #17) along said centerline the following courses: (1) South 64 degrees 30 minutes 00 seconds East, 1118.4 + feet; (2) South 34 degrees 08 minutes 00 seconds West 613.5+ feet to the northeasterly corner of a 0.2126 acre tract; and

thence along the northerly line of said tract North 64 degrees 17 minutes 57 seconds West 149.54 to the point of beginning; thence from said point of beginning along the easterly line of said original tract, the same being the westerly line of a said 0.2126 acre tract, South 35 degrees 08 minutes 00 seconds West 63.12 feet to the southeasterly corner of said original tract and the southwesterly corner of a 0.2126 acre tract; thence along the southerly line of said original tract, North 64 degrees 33 minutes 04 seconds West 9.00 feet; thence crossing said original tract by new division line, North 30 degrees 08 minutes 47 seconds East 62.49 feet to the northerly line of said tract; and thence along said northerly line South 64 degrees 17 minutes 57 seconds East 14.50 feet to the point of beginning, containing 0.0168 acre, more or less, according to a survey (Drawing C-7486) by Duane, Hasselbring, Kuhlman & Associates, Registered Surveyors, Middletown, Ohio, April, 1980.

Parcel #01-34-202-038

AKA: 5275 Pearl Drive, Franklin, OH 45005

BETH DECKARD - WARREN COUNTY RECORDER
Doc #: 592009 Type: MTG
Filed: 4/20/2006 10:22:17 \$ 180.00
OR Volume: 4169 Page: 82 Return: X
Rec#: 7741 Pages: 22
MIDDLETOWN TITLE AGENCY

Loan 

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Copies to:

Default List

Warren County Treasurer's Office
County Administration Building
406 Justice Drive
Lebanon, Ohio 45036

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